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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/470,057	12/22/1999	HIROYUKI FUJII	3874	5712

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EXAMINER

SANTIAGO, MARICELI

ART UNIT	PAPER NUMBER
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2879

DATE MAILED: 08/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/470,057

Applicant(s)

FUJII, HIROYUKI

Examiner

Mariceli Santiago

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 49-56 and 61-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 49-56 and 61-70 is/are allowed.
- 6) ☒ Claim(s) 71 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 29, 2003 has been entered.

Response to Amendment

The Amendment, filed on July 29, 2003, has been entered and acknowledged by the Examiner.

Cancellation of claims 37-48 and 57-60 has been entered.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

Claim 49 recites the limitation "said d-element is at least one element selected from the group consisting of ... and AI", the Examiner notes that while AI is present in the claims as originally filed, it is not recited in the Markush group disclosed in the specification, Page 5, last paragraph. Accordingly, the specification fails to provide proper antecedent basis for the claimed subject matter.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 71 is rejected under 35 U.S.C. 102(b) as being anticipated by Onikubo et al. (JP 09-097676).

Regarding claim 71, Onikubo discloses an organic EL device having a luminescent material containing layer interposed between a positive electrode and a negative electrode for supplying electrical energy to the luminescent material for emitting light upon receipt of the electrical energy, the negative electrode containing f-, p-, and d-element wherein the f-element is at least one element selected from the group consisting of La, Ce, Nd, Sm, Gd and Er (Column 3, paragraph [0009]), the p-element is at least one element selected from the group consisting of Ga, In and Zn (Column 3, paragraph [0011]), and the d-element is at least one element selected from the group consisting of Co, Ni, Pd, Pt, Cu, Au and Sb (Column 3, paragraph [0010]).

Allowable Subject Matter

Claims 49-56 and 61-70 are allowed over the prior art of record.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 49, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claim 19, and specifically comprising the limitation of the negative electrode containing f-, p- and d-elements wherein the f-element is at least one

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element selected from the group consisting of Be, Ti, V, Cr, Mn, Zr, Nb, La, Ce, Pr, Nd, Sm, Gd, Tb, Dy, Ho, Er, Tm, Lu, Hf and Ta, the p-element is Sb and the d-element is at least one element selected from the group of Re, Fe, Ru, Os, Co, Rh, Ir, Ni, Pd, Pt, Cu, Au, Hg, Tl, Si, Ge, P, As, Sb, Se and Te and wherein the d-element is excluded from the selection of the f- or p-element.

Regarding claims 50-56 and 61-63, claims 50-56 and 61-63 are allowable for the reasons given in claim 49 because of their dependency status from claim 49.

Regarding claim 64, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claim 64, and specifically comprising the limitation of the negative electrode comprises a first layer closest to the luminescent material-containing layer and a second layer overlying the first layer and a third layer overlying the second layer, and wherein the first layer is made from at least one of the f-element, the layer is made of a mixture or compound of the f- and p-elements and the third layer is made of at least one of the p-element.

Regarding claims 65-67, claims 65-67 are allowable for the reasons given in claim 64 because of their dependency status from claim 64.

Regarding claim 68, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claim 68, and specifically comprising the limitation of the negative electrode comprises a first layer closest to the luminescent material-containing layer and a second layer overlying the first layer and a third layer overlying the second layer, and wherein the first layer is made from at least one of the f-element, the layer is made of a mixture or compound of the f- and p-elements and the third layer is made of at least one of the p-element.

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Regarding claims 69-70, claims 69-70 are allowable for the reasons given in claim 68 because of their dependency status from claim 68.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mariceli Santiago whose telephone number is (703) 305-1083. The examiner can normally be reached on Monday-Friday from 7:00 AM to 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel, can be reached on (703) 305-4794. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7382. Additionally, the following fax phone numbers can be used during the prosecution of this application (703) 872-9318 (for response before a Final Action) and (703) 872-9319 (for response after a Final Action).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

msz 8/12/03
Mariceli Santiago
Patent Examiner
Art Unit 2879

[Signature]
VIP PATEL
PRIMARY EXAMINER